IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

OP.No. 25184 of 2002(W)

PETITIONERS:
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1. **M. VIJAYAN PILLAI, PRESIDENT,**
   POOTHAKULAM SERVICE CO-OPERATIVE
   BANK LTD.NO.2944, POOTHAKULAM, KOLLAM.

2. **POOTHAKULAM SERVICE CO-OPERATIVE**
   BANK LTD.NO.2944, POOTHAKULAM, QUILON,
   REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN.

RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE**
   SOCIETIES, QUILON.

2. **S. VALSALA, PLAVILA VEEDU,**
   POOTHAKULAM, QUILON.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI,
ADV. SRI.ANCHAL C.VIJAYAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 42684/2002 IN O.P. NO. 25184/2002

DISMISSED

16/03/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RESOLUTION NO. 1751 DTD. 13/06/1991.

EXT.P.2: COPY OF THE RESOLUTION NO. 78 DTD. 28/07/1997.

EXT.P.3: COPY OF THE RESOLUTION NO. 361 DTD. 09/07/2001.

EXT.P.4: COPY OF THE RESOLUTION NO. 11 DTD. 27/09/2001.

EXT.P.5: COPY OF THE RESOLUTION NO. 812 DTD. 31/10/2001.

EXT.P.6: COPY OF THE NOTICE ISSUED TO THE R.2. DTD. 01/11/2001.

EXT.P.7: COPY OF THE OBJECTION FILED BY THE BANK BEFORE THE JOINT REGISTRAR DTD. 15/05/2002.

EXT.P.8: COPY OF THE LETTER BY THE BANK TO THE JOINT REGISTRAR DTD. 07/06/2002.

EXT.P.9: COPY OF THE PROCEEDINGS NO. CRP (2) 342/02/K. DIS. DTD. 07/06/2002 OF THE JOINT REGISTRAR.

EXT.P.10: COPY OF THE PROCEEDINGS NO. CRP-2782/2002 DTD. 16/08/2002 OF THE JOINT REGISTRAR.

EXT.P.11: COPY OF THE AGREEMENT DTD. 06/07/1991.

EXT.P.12: COPY OF THE ORDER NO. C.R.P.(2)5218/2004 OF R.1. DTD. 28/10/2004.

O.P. NO. 25184/2002:

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE RELEVANT RESOLUTIONS PASSED BY THE R.2. BANK.

EXT.R2.B: COPY OF THE NOTICE ISSUED BY THE R.2. BANK DTD. 01/10/2001 VIDE NO. 128/01-02.

EXT.R2.C: COPY OF THE RECEIPT DTD. 22/10/2001.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. No.25184 of 2002

Dated this the 16th day of March, 2007.

JUDGMENT

The writ petition is filed for the following reliefs:

> "i) to call for the records leading to Exts.P9 and P10 and quash the same by the issuance of a writ of certiorari or any other writ, direction or order;
>
> ii) to grant a declaration that the Bank is entitled to close down the Textile shop and terminate the engagement of the second respondent as Commission Agent."

2. It is submitted that during the pendency of the writ petition the textile depot was closed down. It is the contention of the second respondent that in the case of similarly placed daily waged workers, whose names are referred to in Ext.R2(a), they have been regularised in service by the Bank. It is seen from Ext.R2(a) that those daily waged workers have been given the scale attached to the regular establishment. According to the second respondent, they have since been absorbed also as regular employees. If as a matter of fact, the daily waged workers referred to in Ext.R2(a) have been given regularisation, when the depot was closed down and in case the second respondent is also similarly situated, there is no point in discriminating her. The intervening developments referred to

above are also to be considered by the first respondent. Therefore the writ petition is disposed of with the following directions:

There will be a direction to the first respondent to look into the grievance of the second respondent that she is discriminated whereas similarly placed persons referred to in Ext.R2(a) have been accommodated in the Bank. If the averment of the second respondent is found factually correct, appropriate orders will be passed by the first respondent to accommodate her also in the second petitioner Bank. The needful shall be done within a period of two months from the date of production of a copy of this judgment. The petitioners as well as the second respondent shall be afforded an opportunity of being heard. In that view of the matter it is not necessary to advert to the various contentions taken by the petitioners that the first respondent has no jurisdiction to pass orders in the nature of Ext.P9 since the first respondent has been permitted to exercise his supervisory jurisdiction.

KURIAN JOSEPH, JUDGE

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